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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/930,547  | 08/15/2001  | William Perkins      | SMA581/4-1          | 1693             |
| 22892   | 7590        | 01/14/2005           | EXAMINER            |                  |
| VINSON & ELKINS L.L.P.<br>1001 FANNIN STREET<br>2300 FIRST CITY TOWER<br>HOUSTON, TX 77002-6760 |             |                      | HEINRICH, SAMUEL M  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1725                |                  |

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/930,547 | <b>Applicant(s)</b><br>PERKINS ET AL. |  |
|                              | <b>Examiner</b><br>Samuel M Heinrich | <b>Art Unit</b><br>1725               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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## **DETAILED ACTION**

### **Re-Opening of Prosecution**

Prosecution on the merits of this application is reopened on claims 1-15 which are considered unpatentable for the reasons indicated below:

Claims 1, 6, and 11 should have been rejected under 35 U.S.C. 102(e) as being anticipated by Kennelley et al (6,298,671).

Applicant is advised that the Notice of Allowance mailed is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

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Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 6, 7, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,298,671 to Kennelley et al. The reference of Kennelley et al (Kennelley) teaches a process for transporting liquefied natural gas (LNG). According to Kennelley [and referring to figure 1] , natural gas is removed from a subterranean source (11) and transported to an offshore platform (10). From this location, the gas is sent to an LNG plant (24) where the gas is liquefied. The LNG is subsequently placed on a ship (30) wherein the LNG is transported to a destination. At this destination, the LNG is regasified in a regasification platform (32). Here, the LNG, after being reconverted to the natural gas, is stored in a subterranean formation (44). The stored gas may then be removed via a well (50) to a platform (46). Thereafter, the gas is transported to a pipeline system (56) located on land. See column 3, line 34 to column, line 54. The reference further states that the regasification platform can be located either on land or offshore (column 4, lines 20-26).

In transporting the natural gas from the offshore platform to the pipeline system on land, the nature of the transportation system is well known and must necessarily and inherently be an offshore pipeline. As such, the claimed subject matter is anticipated by the teachings of Kennelley.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,298,671 to Kennelley et al. The reference of Kennelley et al (Kennelley) teaches a process for transporting liquefied natural gas (LNG). According to Kennelley [and referring to figure 1] , natural gas is removed from a subterranean source (11) and transported to an offshore platform (10). From this location, the gas is sent to an LNG plant (24) where the gas is liquefied. The LNG is subsequently placed on a ship (30) wherein the LNG is transported to a destination. At this destination, the LNG is regasified in a regasification platform (32). Here, the LNG, after being reconverted to the natural gas, is stored in a subterranean formation (44). The stored gas may then be removed via a well (50) to a platform (46). Thereafter, the gas is transported to a pipeline system (56) located on land. See column 3, line 34 to column, line 54. The

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reference further states that the regasification platform can be located either on land or offshore (column 4, lines 20-26).

The Kennelley reference does not expressly state that the transportation of the natural gas from an offshore platform to the pipeline system (56) on shore is via an offshore pipeline. However, those skilled in this art would have found it obvious to use an offshore pipeline system to transport the natural gas from the offshore platform (46) to the pipeline system (56) located on land. The Kennelley reference does not expressly state that the platform is associated with an existing gas well, however, those skilled in this art would have found it obvious to use a platform with any well known gas supply including use with an existing gas well. The Kennelley reference does not expressly state that the gasification equipment is located on a barge, however, those skilled in this art would have found it obvious to locate the equipment on a barge because the barge is well known and is capable of containing the equipment. The Kennelley reference does not expressly state that the converting step comprises applying heat to the LNG through a vaporizer, however, those skilled in this art would have found it obvious to apply heat to the LNG through a vaporizer because the vaporizer equipment is suitable for use on a platform or on a barge.

As such, the claimed subject matter, taken as a whole, would have been obvious in view of the teachings of Kennelley.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M Heinrich whose telephone number is 703 308 1168. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G Dunn can be reached on 703 308 3318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Samuel M. Heinrich* 01-12-2005

Samuel M Heinrich  
Primary Examiner  
Art Unit 1725

SMH